

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, May 22, 2019, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**A G E N D A**

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1. Call to order
2. Consideration of minutes for the regular meeting on April 24, 2019
3. New Business

*Special Use Permit Request*

- A. Application Z-19-011** by Randy Ward of RL Builders on behalf of Seventh Day Adventist Church, requesting a Special Use Permit to expand an existing Institutional Group Assembly Use located on property in the RS-8 zoning district at 711 N. Maney Avenue
4. Staff Reports and Other Business
5. Adjourn

# **Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals**

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**April 24, 2019 – 1:00 P.M.  
Council Chambers**

## **MEMBERS PRESENT**

Davis Young, Chairman  
Ken Halliburton, Vice-Chair  
Julie King  
Tim Tipps  
Misty Foy

## **MEMBERS ABSENT**

## **STAFF PRESENT**

Dianna Tomlin, *Principal Planner*  
David Ives, *Assistant City Attorney*  
Brenda Davis, *Recording Assistant*

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Chairman Young called the meeting to order at 1:00 P.M.

The minutes from the March 27, 2019 regular meeting were approved as submitted.

## **Special Use Permit**

**Application Z-19-007 by Joey Rouse of TNT Fireworks** requested a Special Use Permit to allow the operation of a Temporary Outdoor ending Establishment (seasonal fireworks sales). Property is in the Highway Commercial (CH) zoning district located at 2012 Memorial Boulevard.

Ms. Tomlin reviewed the application and staff comments contained in the BZA agenda package. If the Board approves the request, Staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.

- 6) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district and temporary firework vending standards.

Chairman Young opened the public hearing. There being no one to speak for or against the application, Chairman Young closed the public hearing.

**Vice-Chair Halliburton made a motion to approve the request for a Special Use Permit to allow the operation of a Temporary Outdoor ending Establishment (seasonal fireworks sales). Property is in the Highway Commercial (CH) zoning district located at 2012 Memorial Boulevard with the following conditions:**

- 1) **The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**
- 2) **The applicant shall keep and maintain a fire extinguisher on-site at all times.**
- 3) **The applicant shall keep the City's fireworks ordinance posted on-site at all times.**
- 4) **Fireworks shall not be set-off on site.**
- 5) **The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 6) **The fireworks tent shall meet all minimum building setback requirements for the CF zoning district and temporary firework vending standards.**

**The motion was seconded by Mr. Tipps and carried unanimously in favor.**

**Application Z-19-008 by Joey Rouse of TNT Fireworks** requested a Special Use Permit to allow the operation of a Temporary Outdoor ending Establishment (seasonal fireworks sales). Property is in the Commercial Fringe (CF) zoning district located at 2478 New Salem Highway.

Ms. Tomlin reviewed the application and staff comments contained in the BZA agenda package. If the Board approves the request, Staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district and temporary firework vending standards.

Chairman Young opened the public hearing. There being no one to speak for or against the application, Chairman Young closed the public hearing.

**Ms. King made a motion to approve the request for a Special Use Permit to allow the operation of a Temporary Outdoor ending Establishment (seasonal fireworks sales). Property is in the Commercial Fringe (CF) zoning district located at 2478 New Salem Highway with the following conditions:**

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.**
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.**
- 4) Fireworks shall not be set-off on site.**
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 6) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district and temporary firework vending standards.**

**The motion was seconded by Vice-Chair Halliburton and carried unanimously in favor.**

**Application Z-19-009 by Joey Rouse of TNT Fireworks** requested a Special Use Permit to allow the operation of a Temporary Outdoor ending Establishment (seasonal fireworks sales). Property is in the Commercial Fringe (CF) zoning district located at 2000 Old Fort Parkway.

Ms. Tomlin reviewed the application and staff comments contained in the BZA agenda package. If the Board approves the request, Staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district and temporary firework vending standards.

**Mr. Tipps made a motion to approve the request for a Special Use Permit to allow the operation of a Temporary Outdoor ending Establishment (seasonal fireworks**

**sales). Property is in the Commercial Fringe (CF) zoning district located at 2478 New Salem Highway with the following conditions:**

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.**
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.**
- 4) Fireworks shall not be set-off on site.**
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 6) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district and temporary firework vending standards.**

**The motion was seconded by Ms. Foy and carried unanimously in favor.**

**Staff Reports and Other Business**

None

The meeting adjourned at 1:05 P.M.

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CHAIRMAN

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SECRETARY

# MURFREESBORO BOARD OF ZONING APPEALS

## STAFF REPORT

MAY 22, 2019

**Application:** Z-19-011

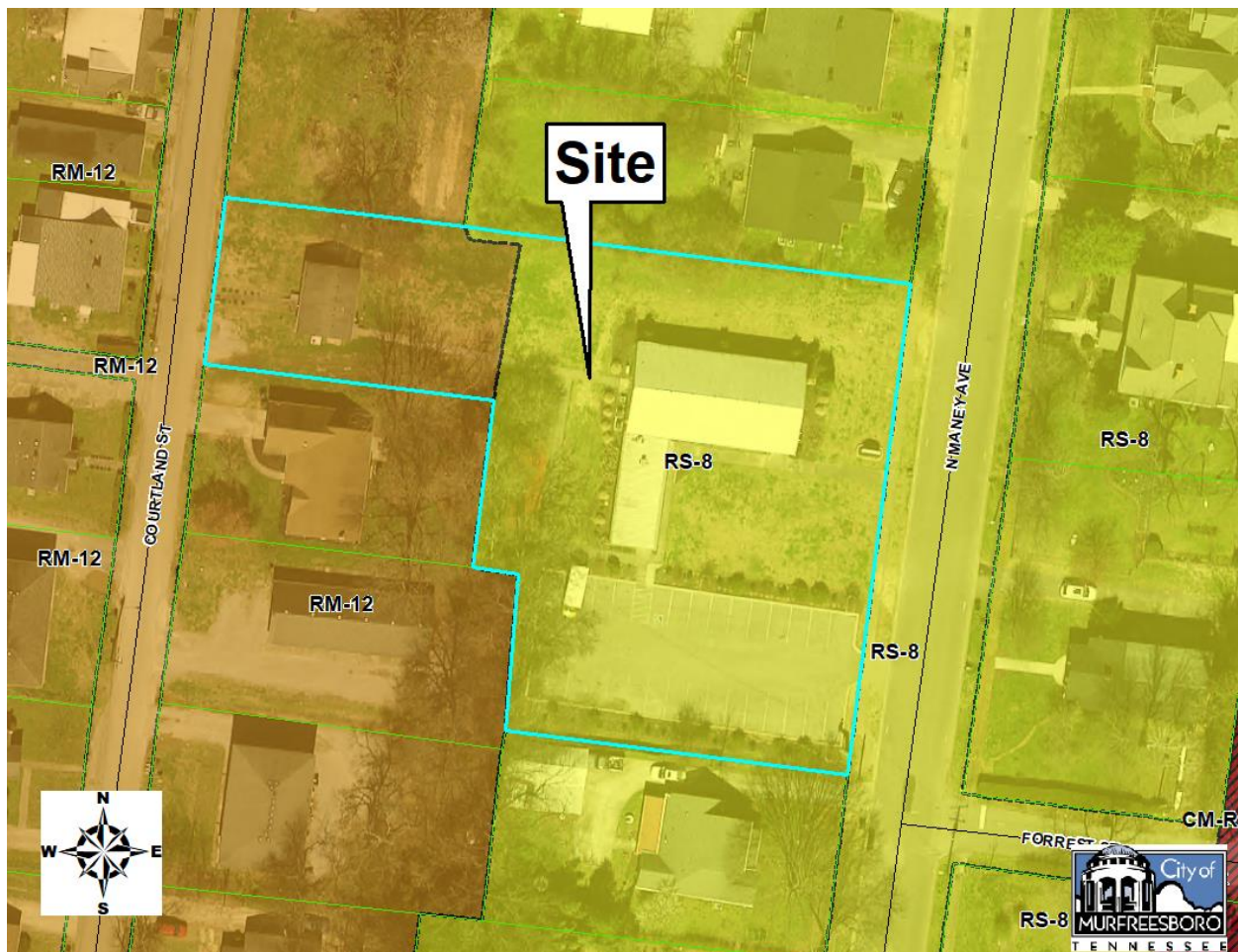
**Location:** 711 N Maney Ave.

**Applicant:** Randy Ward, R.L. Builders

**Owner:** Seventh Day Adventist Church

**Zoning:** RS-8 (Single-Family Residential), RM-12 (Multi-Family Residential)

**Requests:** A special use permit to allow expansion of an Institutional Group Assembly Use (Church) in the RS-8 and RM-12 district



## **Special Use Permit Request Overview**

Seventh Day Adventist Church, represented by Mr. Randy Ward. of R.L. Builders, is requesting a Special Use Permit for the expansion of an existing church with a 2,123 square foot addition. The addition will be used for an increase in sanctuary area size, kitchen area size, and bathrooms. The subject property is surrounded on all sides by RS-8 and RM-12 residential zoning and uses. Initial approval for the current church was granted in 2007 with an additional 1,560 sq ft expansion granted by the BZA in 2008.

In accordance with Chart 2, of the Murfreesboro Zoning Ordinance, expansion of the approved special use requires a new or amended Special Use Permit from the Board of Zoning Appeals.

## **Relevant Zoning Ordinance Section**

Chart 2 of the City of Murfreesboro Zoning Ordinance, allows churches as a special use in the RS-8 district and RM-12 district. Special provisions are set forth for institutional group assembly in Section 9.

## **Staff Comments**

After reviewing the criteria for the special use requirements for institutional group assembly, this project appears to meet the criteria.

If the Special Use Permit is approved, staff recommends the following findings:

- (1) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare:**

No adverse impact on the above-mentioned list will be associated with this subject property and proposed uses.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**

A special use permit has been in place for the use for several years and the facility has operated in such a way as to not interfere with the adjacent properties. The addition should not change that. It will also satisfy all of the bulk requirements required in the RS-8 zone.

- (3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

Church parking requires 1 spot for every 8 fixed or mobile seats in the auditorium or sanctuary or largest place of assembly within the facility. The proposed addition will add seating to the sanctuary which would change the parking requirements. The plan has shown that they already meet the parking requirement for the additional seating.

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- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**

No features of significant natural, scenic, or historic importance have been identified on the subject property.

- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**

Special provisions for group assembly primarily focus on parking and lighting to ensure these do not adversely affect surrounding property. Parking will not need to be altered due to the increased requirement.

**Recommended Conditions of Approval:**

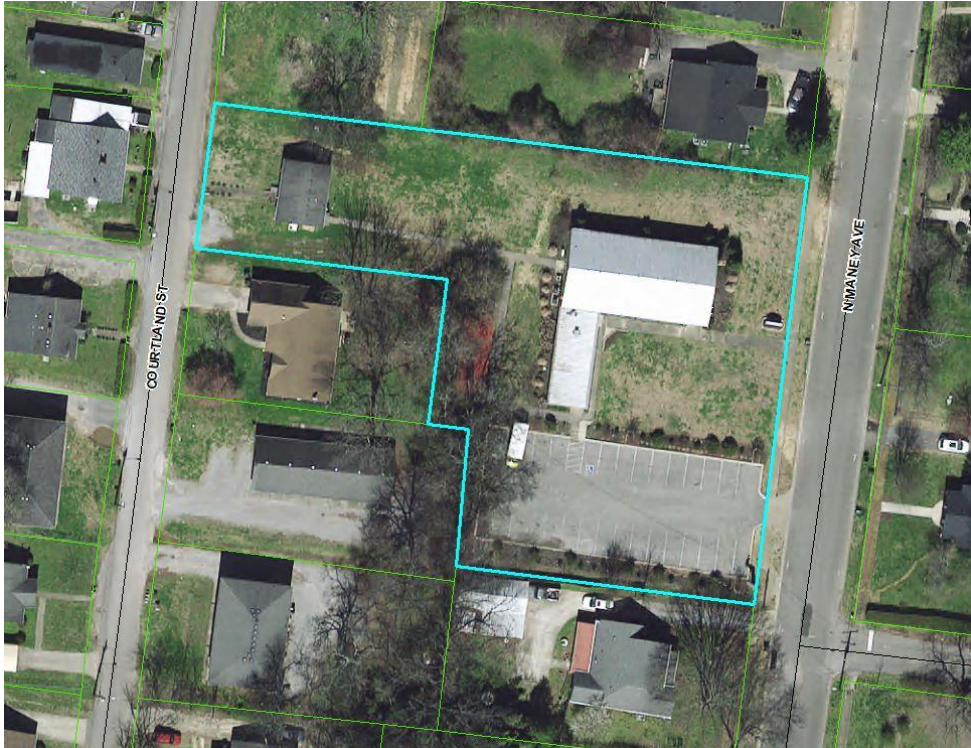
- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.

**Attached Exhibits**

- A. Site aerial and photos
- B. Letter of explanation from applicant
- C. City of Murfreesboro, Section 9(D)(2)[zz]
- D. Application
- E. Site Plan



## Attachment A



(Aerial photograph of the subject property)



(Photograph of Church from N Maney Ave)





(Photograph of the rear of the church from the church parking lot)



(Photograph of the rear of the church where the new addition will be located)

## Attachment B

Planning Department: Dianna Tomlinson, AICP

711 N Maney Ave.

Randy ward: R.L.Ward Builders (Church Project) Seventh Day Adventist Church



I am requesting a Special use Permit to add on to the existing church.

- 1) There is no new parking needed
- 2) There is no new outside parking lighting needed
- 3) There is no Garbage dumpster they use city garbage cans
- 4) There is no outdoor recreational areas outside
- 5) The number of required parking spaces are in accordance with chart 4 of the article provide
- 6) We are increasing the fellowship hall area size , we are increasing the kitchen size area, increasing the mens and women's bathrooms.
- 7) There is no new water or sewer ,lines being installed

 05-06-2019

## **Attachment C**

### **City of Murfreesboro Zoning Ordinance, Section 9(D)(2)[zz]**

**Institutional group assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, shall be subject to the following additional standards:**

[1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;

Examples: MINIMUM ZONING LOT SIZE LOT SIZE DISTRICT (SQ. FT.) ACRES X 3  
ACRES RS-15 15,000 .34 45,000 1.03 RS-12 12,000 .28 36,000 .83 RS-10 10,000 .22 30,000 .69  
RS-8 8,000 .18 24,000 .55 RS-4 4,000 .09 12,000 .28 R-D 8,000 .18 24,000 .55 R-MO 4,000 .09  
12,000 .28;

[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;

[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities UPDATED: DECEMBER 6, 2018 APP A:66 APPENDIX A - ZONING shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;

[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;

[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by car pooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;

[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;

[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and

[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.



# Attachment D: Application

<p>City of Murfreesboro <b>BOARD OF ZONING APPEALS</b></p>	<p><b>HEARING REQUEST APPLICATION</b></p>
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Location/Street Address: 711 N. Main Ave.			
Tax Map: 914	Group: C	Parcel: 126	Zoning District: RM12

Applicant: RANOW WARD		E-Mail: rward66@comcast.net	
Address: 599 WARDEN ROAD		Phone: 417-2534	
City: LAWRENCE	State: TN	Zip:	

Property Owner: SEVENTH DAY ADVENTIST CHURCH			
Address: 711 N. MAIN AVE.		Phone: 653-0965	
City: MURFREESBORO	State: TN	Zip: 37130	

Request: SPECIAL USE PERMIT FOR 24' ADDITION TO	
LEARN OF CHURCH (SKETCH PROVIDED)	
Zoning District: RM12	
Applicant Signature: <i>R Ward</i>	Date: 4-29-19

Received By: B. DAVIS	Receipt #: 289696
Application #: 19-Z-011	Date: 5-6-19

Murfreesboro

Board of

Zoning Appeals

MAY 06 2019

111 West Vine Street  
Murfreesboro, TN 37130



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

## **Attachment E: Site Plan**

